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In re Application of HAISCH	:	
U.S. Application No.: 10/527,898	:	
PCT Application No.: PCT/EP2002/010285	:	
Int. Filing Date: 13 September 2002	:	DECISION
Priority Date Claimed: (none)	:	
Attorney Docket No.: 20020275-02	:	
For: CODED POLARIZATION-DEPENDENT	:	
ANALYZING	:	

This is in response to applicant's "Petition for Revival of an Application Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 28 September 2006.

**BACKGROUND**

On 13 September 2002, applicant filed international application PCT/EP2002/010285. A copy of the international application was communicated to the USPTO from the International Bureau on 25 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 13 March 2005.

On 14 March 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 19 August 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 09 August 2006, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 28 September 2006, applicant filed the present petition under 37 CFR 1.137(b).

### DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "The entire delay in filing a response to the Notice to File Missing Requirement mailed on 19 August 2005 for this application was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 13 September 2002, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 28 September 2006.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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